

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHAEL MARR,

Plaintiff,

Case No. 13-13668

Hon. Marianne O. Battani

v.

Magistrate Judge Paul J. Komives

RAYMOND BOOKER and
CHARLES SINCLAIR,

Defendants.

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**OPINION AND ORDER ADOPTING IN PART
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Michael Marr filed this action on August 27, 2013. On March 19, 2014, the Court referred this matter to Magistrate Judge Paul J. Komives for all pretrial matters. At the time of the referral, several motions were pending.

In his Report and Recommendation, dated April 30, 2014, Magistrate Judge Komives recommended that Plaintiff's Motion for Preliminary Injunction be denied without prejudice and that Defendant Raymond Booker's Motion to Revoke Plaintiff's In Forma Pauperis Status be denied. Magistrate Judge Komives also recommended that the Court order Plaintiff to file an amended complaint that superceded his August 27, 2013, October 17, 2013, and October 23, 2013, complaints. The Magistrate Judge informed the parties that objections to the Report and Recommendation must be filed within fourteen days of service and that a party's failure to file objections would waive any further right of appeal. (Doc. No. 22 at 14).

Neither party objected to the recommendations relative to the two pending motions, and, therefore, the parties have waived their right to review and appeal of the disposition of those two motions. Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendations and **DENIES WITHOUT PREJUDICE** Plaintiff's Motion for Preliminary Injunction and **DENIES** Defendant's Motion to Revoke Plaintiff's In Forma Pauperis Status and Dismiss this Action.

Plaintiff does object to the Magistrate Judge's recommendation that he file an amended complaint to clarify which claims are being pursued against which Defendants. The Court has reviewed the filings, including de novo review of Plaintiff's objection to this recommendation. See 28 U.S.C. § 636(b)(1)(C).

Although the Court agrees with the Magistrate Judge's characterization and analysis of the three complaints filed in this action, any confusion that arises from the disconnect between the three complaints is alleviated by Plaintiff's subsequent request that his October 23, 2013, complaint be dismissed.

Accordingly, the Court **DISMISSES** the October 23, 2013, complaint.

IT IS FURTHER ORDERED that the United States Marshal shall effect service of the October 17, 2013, Complaint (Doc. No. 9) upon Defendant Charles Sinclair.

IT IS SO ORDERED.

Date: June 25, 2014

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on June 25, 2014.

s/ Kay Doaks
Case Manager